



## New Jersey Farmland Preservation Connections

### LOOKING TO END A FIGHT?

Mediation has proven to be a very useful tool for resolving farm-related disputes. There are many advantages to mediation. It's free, confidential, generally takes only a meeting or two to complete, saving time and legal expenses, and is an amicable way to resolve disputes.

The SADC administers an Agricultural Mediation Program that has been active in resolving right-to-farm disputes, USDA-related issues, such as agricultural credit disputes between farmers and the Farm Service Agency, and general farm issues, such as intra-family or intra-business disputes. It makes available trained mediators

whose role is not to make a decision but to facilitate discussion.

The program also has coordinated regional skills-building workshops for agricultural professionals and published a brochure aimed at helping farmers minimize right-to-farm disputes.

We think the program has tremendous potential to expand into additional activities. The program is funded by a USDA cost-sharing grant, so any new activities must generally help farmers be more productive through the prevention and resolution of agriculture-related disputes.

What types of other projects or new programming would you like to see? Are there existing activities you think should be expanded? Send your suggestions to [Dave Kimmel](#).

[More on Agricultural Mediation](#)



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### WHAT'S INSIDE

- **Your Ideas Sought on Expanding Agricultural Mediation Program**
- **Legislative Update: open space ballot question, farmland appropriation and wind/solar/biomass energy bills**
- **SADC Reviews Pike Widening Project**

### HATS OFF TO ...

... the Gloucester County Agriculture Development Board, which in May became the first to lock up its maximum \$5M grant under the new County Planning Incentive Grant.



## LEGISLATIVE UPDATE

The Legislature recessed in June, and isn't expected back until after Election Day. Following is action on key bills taken in the final days before the recess:

### **Green Acres, Water Supply and Floodplain Protection, and Farmland and Historic Bond Act of 2009 (S1858/A3901)**

Passed Senate (26Y, 7N) and Assembly (66Y, 9N, 3A); awaiting Governor's signature. Would place \$400 million preservation bond issue on the November ballot. Includes \$146 million for farmland preservation.



### **Farmland Preservation Appropriation Bills (S2712-2715/A3891-3894)**

Passed Senate and Assembly; awaiting Governor's signature. Would provide \$91 million for FY09 farmland preservation projects and exhaust all remaining Garden State Preservation Trust funding for farmland preservation acquisitions. We have no timeframe at this point when funding will be available but will keep you posted.

### **Biomass, Solar and Wind Energy Generation Bills (S1538/A2859)**

Passed Senate (37Y, 3 Not Voting), awaiting Assembly Appropriations Committee action. Under certain conditions, would allow an owner of a preserved farm to construct, install and operate biomass, solar or wind energy facilities, structures and equipment; make generation of power or heat from biomass, solar or wind energy a protected activity under the Right to Farm Act; and allow the land used for energy generation to be eligible for farmland assessment.

The bill passed by the Senate included some significant amendments, including:

- Energy generation capacity on preserved farms would be limited to the previous calendar year's energy demand plus 10 percent, *or alternatively at the option of the landowner to no more than 1 percent of the entire farm*. The energy demand-plus-10% would exclude energy generated from roofs of buildings existing at the time of enactment of the bill.
- The holder of the easement (county or nonprofit) would have 30 days to provide comments on the application prior to SADC action. The SADC is required to approve all applications for wind, solar or biomass energy on preserved farms even if the facility is located on an exception area. The N.J. Department of Agriculture would be required to approve biomass energy projects on any land that is farmland assessed.
- The definition of biomass was clarified to mean an agricultural crop, crop residue, or agricultural byproduct that is cultivated, harvested or produced on a farm and which can be used to generate energy in a sustainable manner. For a preserved farm, the biomass must be cultivated, harvested or produced on the farm itself, while for farmland assessment purposes on a non-preserved farm, it can come from the farm itself or another farm where it was cultivated, harvested or produced.
- The bill *would not* amend the definition of agricultural use in the Agriculture Retention and Development Act to include energy generation.
- Right to Farm protection would be extended to the generation of power or heat from biomass, solar or wind energy as long as it is consistent with other provisions in the bill and, in the case of biomass energy, the energy is generated from biomass cultivated, harvested or produced on the *commercial farm* and which can be used to generate energy in a sustainable manner.

Questions on legislation? Contact [Hope Gruzlovic](#), SADC Communications Manager.

[Read S1538 passed by the Senate](#)



## SADC REVIEWS TURNPIKE WIDENING

The SADC in May reviewed the New Jersey Turnpike Authority's widening project that requires the acquisition of 699 acres of lands in agricultural development areas (ADAs) in Burlington, Mercer and Middlesex counties, including condemnation of 75 acres of permanently preserved farmland.

The SADC and county agriculture development boards (CADBs) are statutorily required to review a public body's condemnation of preserved farmland to recommend to the Governor whether the action is necessary for the public health, safety and welfare, and whether there is any immediately apparent feasible alternative.

Additionally, they must review any public project impacting lands in an ADA to avoid or minimize adverse effects on the preservation and enhancement of agriculture in the ADA, the municipally approved program and overall State agriculture preservation and development policies.

The SADC determined the project serves the legitimate public purpose of benefiting the health, safety and welfare of the public, that it was designed to minimize impacts to the ADAs and preserved farms to the greatest extent possible, and would not cause unreasonably adverse effects on the preserved farms, ADA or State agricultural preservation and development policies. The three CADBs issued similar findings.

The SADC will continue to work with the Turnpike Authority, CADBs, affected farmers and landowners to resolve any site-specific impacts to farms during and after construction, and to ensure condemnations are properly valued.

Questions about the Turnpike widening? Contact [Tim Brill](#), Planning Manager.

[More about the New Jersey Turnpike Widening Project](#)

## FISCAL YEAR 09 HIGHLIGHTS

Total Farms Preserved  
**136**

Total Acres Preserved  
**11,555 (5-Year High)**

Total Cost  
**\$147.3M**

Total SADC Cost  
**\$91.5M**

Most Farms Preserved  
**Warren County (30)**

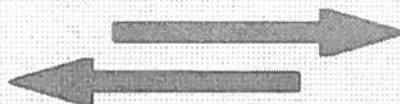
Most Acres Preserved  
**Salem County (2,409)**

Farms preserved Under  
Nonprofit Program  
**A record 13**

Farms preserved Under  
SADC Direct Easement  
Purchase Program  
**5-year high of 31**



If you have ideas for topics for the newsletter or our monthly Question Sessions, **we want to hear from you**. Let's stay connected as we work to meet the many challenges in the months and years ahead!



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